

## **REMARKS**

In accordance with the foregoing, claims 1, 2, 12, and 14-23 are amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-24 are pending and under consideration. Reconsideration is respectfully requested.

### **Entry of Amendment Under 37 CFR §1.116**

Applicant requests entry of this Rule 116 Response because it is believed that the amendment of claims 1-24 puts this application into condition for allowance and should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

Claims 1, 12, and 14-23 are amended, respectively to clarify, that a system, a terminal, a server, a medium, and a method, using claim 1 as an example, include "reporting to the servers an operational status of the each transmission means including at least a change of status. . . ; storing . . . the operational status, including the change of status, . . and for dynamically determining a message destination or a transmission means and transmission mode for the received text messages according to the stored operational status and change of status (emphasis added)."

### **Action Incomplete**

Applicants respectfully submit that the current Office Action is incomplete in that the Examiner has not provided a response to some of the arguments presented in the previous Amendment.

For example, the Examiner does not respond to Applicants arguments regarding recited features in dependent claim 5 (Previous Amendment page 14). As set forth in MPEP § 706.07(d):

(i)f, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, . . . withdraw the finality of the rejection.

Accordingly Applicants submit that if the claims are not allowed, that at least the office action be reissued with a complete response and due date accordingly reset and/or the finality be withdrawn.

### **Traverse of Rejections**

The Examiner rejects claims 1-24 under 35 U.S.C. §102(e) as being anticipated by Namekawa (U.S.P. 6,237,027). (Action at pages 2-19). The rejection is traversed.

Independent claims 1, 2, 12, and 14, all as amended, recite, respectively, a text messaging system, and an information terminal, using claim 1 as an example, including "status

detection means provided in the information terminals for detecting and reporting to the servers an operational status of the each transmission means including at least a change of status of the connection with the communication lines (emphasis added)."

Independent claims 1, 2, 12, and 15, all as amended, recite, respectively, a system and a server, using claim 1 as an example, including a "status administration means provided in the servers for storing, per user of any one of the information terminals, the operational status, including the change of status, of the each transmission means of each information terminal reported from said status detection means (emphasis added)."

Independent claims 1, 2, 12, 17-18, 20-21, and 23, all as amended, recite, respectively, a system, a medium, and a method, using claim 1, as an example, "determining means provided in the servers for referring to the operational status, including the change of status, stored by the status administration means of an information terminal that is a destination of the text message received from the information terminal, and for dynamically determining a message destination or a transmission means and transmission mode for the received text messages according to the stored operational status and change of status (emphasis added)."

Independent claims 1, 2, 12, 16, and, 19, all as amended, recite, respectively, a system, a medium, and a method, using claim 1, as an example, "transmitting text messages received from the information terminals to the destination information terminal according to the dynamically determined transmission mode using the dynamically determined transmission means (emphasis added). "

That is, according to an aspect of the present invention a plurality of transmission means with different transmission modes is provided to each information terminal, a status detection means of an information terminal detects an operational status, including a change of status, of each transmission means and notifies it to a server, a status administration means of a server stores an operational status of each transmission means of each information terminal, a determining means of a server dynamically determines a message destination of a transmission means (transmission mode) based on the stored operational status and change of status, and transmission means of a server sends a message with the dynamically determined transmission mode using the dynamically determined transmission means.

#### **Examiner Is Not Interpreting Present Claims "As A Whole"**

Applicants respectfully submit that that the Examiner is not interpreting the claims "as a whole" and is not connecting and/or associating the recited features.

For example, in item 4 the Examiner contends that features of a "configuration to change

a destination of the incoming mail notification or a communication means based on the recorded information" are not recited in the claims. (Action at page 20).

However, Applicants respectfully point out to the Examiner the interconnected "determining," using claim 1 as an example, in "determining means provided in the servers for referring to the operational status, including the change of status, . . . and for dynamically determining a message destination or a transmission means and transmission mode for the received text messages according to the stored operational status and change of status."

#### **Recited Features Not Taught By Cited Art**

Applicants submit that, none of such status detection means, status administration means, decision means, or dynamically determined transmission means are taught by Namekawa. Rather, Namekawa merely teaches (see, for example col. 6, lines 35-45):

(i)n the case where the portable information terminal device to which the arrival is informed is the portable computer 9, the computer 5 transmits the message data . . . These message data has been formed by the user and recorded on the hard disk drive 14 in advance and registered in the setup information as the message data to be read out in case of informing the arrival. . . . On the other hand, . . . where the portable information terminal device to which the arrival is informed is the portable telephone 10, since the portable telephone 10 is able to output only the speech data, the computer 5 converts the literal message for arrival notification into the speech data to transmit it.

(Emphasis added).

That is, Namekawa teaches notifying a preset destination that a mail has been received when a mail sent from a preset particular sender is received, and that a mail sender is fixed and the notification is only sent to a preset destination. Thus, Namekawa merely teaches that a destination of an incoming mail notification is preset, and does not teach a dynamic determination in the server of a transmission mode.

Accordingly, Namekawa cannot achieve effects of the present invention that a destination of a message, a transmission means and a transmission mode can be dynamically changed, and a text message can be transmitted in real-time in accordance with a dynamically changing status of an information terminal.

Further, Namekawa does not teach a configuration to change a destination of an incoming mail notification or a communication means (transmission mode) based on an operational status, including a change of status. Namekawa merely teaches (see, for example, col. 9, line 21-31):

the computer 5 judges whether or not the data to be transmitted is message data only. At this point, since types of the data to be transmitted are registered in the aforementioned setup information, the computer 5 reads out the setup information to determine the type of data to be transmitted. In the case where the data to be

transmitted is message data only, the computer 5 reads out the message data from the hard disk drive 14 at step SP12 to add the sender's name and the sender's ID number of the electronic mail of which the arrival is informed, and completes the preparation for data to be transmitted.

That is, Namekawa merely teaches a method to preset what kind of information should be included in a notification as the incoming mail notification is disclosed.

Further, dependent claims recite features not taught by Namekawa. For example, dependent claim 5 recites a system "reporting administration means provided in the server for saving text messages transmitted to the information terminal, and, wherein if not notified to the effect that a text message has been read, for forwarding the text message to the mobile terminal." That is, according to an aspect of the present invention, a message is resent to a message destination terminal when the message has not been read for a predetermined period of time.

Namekawa merely teaches (see, for example, col. 6, lines 34-48) a method to record information regardless of whether a mail notified with an incoming mail notification has been accessed properly from a mobile terminal device.

#### **Summary**

Since features recited by claims 1-24 are not discussed by the cited art, the rejection should be withdrawn and claims 1-24 allowed.

#### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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